



Debbie DyerHarris <debbie.dyerharris@lacity.org>

Proposed Venice BID & Residential Properties Zoned Commercial

4 messages

William Kuel

Wed, Jul 27, 2016 at 9:27 AM

To: Holly.Wolcott@lacity.org, councilmember.bonin@lacity.org, debbie.dyerharris@lacity.org, miranda.paster@lacity.org

Cc: Tara Devine

Hi, my wife and I mailed certified the letter and map below (also attached) on July 15 to everyone in the address line and have not heard any response as yet. Please contact us in some form to let us know if we have any options.

Thank you,
Bill & Laura Kuel

July 14, 2016

Holly Wolcott, City Clerk
200 N. Spring St., Room 360
Los Angeles, CA 90012

RE: Venice BID & 1307 Innes Place, Venice, CA 90291; APN: 4238011022

Dear Ms. Wolcott,

Upon the advice of Tara Devine of Devine Strategies, this letter is addressed to you with copies sent to The Honorable Mike Bonin, Debbie Dyer-Harris, and Miranda Paster.

We are writing because of the proposed Venice BID and the adverse impact it will have on our property. Based upon the state and city laws that Ms. Devine has cited us, the inclusion of our property, along with the adjacent property at 120 Westminster (and many others, we're sure) strikes us as arbitrary and inherently unfair.

While the concept of a Venice BID is sound in principal, and apparently effective in other parts of Los Angeles and the rest of the country, it's application would place undue hardship on our ability to continue offering residential rentals. We have owned, lived in and managed a small fourplex, under rent control, in Venice for the past 20 years and, at present, lease out two of the units—both at below market rent.

The BID incorporates all commercial, industrial, and government-zoned parcels, but exempts all residential-zoned parcels except R4 and R5 (of which the Venice BID area has none, according to Ms. Devine). It is our misfortune that our parcel is, for whatever reason, zoned C4. The apartment building on our lot was built by Abbot Kinney in 1910 and has always, and only, operated as four small one- bedroom apartments. The larger multi-unit building next door at 120 Westminster has over a dozen units and is of similar age and always been used for residential purposes, but is zoned commercial as well.

Directly across the back alleyway (Park Row) from both buildings, there are two other multi-unit apartment buildings at 1302 & 1304 Pacific Ave., each with 7 or more units (we believe), but they are zoned residential. If you look at the enclosed proposed Venice BID map, you can see how they are exempted by a carved-out, zig-zag U-shape in our immediate area. Meanwhile, all the other parcels between Speedway and Pacific (all the way to Main on the other side of the Westminster dog park, including all the rest of Innes Place going northwest) are zoned residential and are exempt. Many of these properties are multi-unit rentals operated by absentee owners and/or professional management companies.

The proposed BID assesses our parcel not only on street frontage, but also on the alleyway, for a total of just under \$2,200 per annum. This represents a full 42% increase in our property taxes from 2014-15. Given the age of our fourplex, we are already hard-pressed financially to maintain the property in sound condition (which we do and will continue to, regardless). Also, in the interests of attracting and maintaining good long-term tenants, we have consistently offered the rental units at below market rents and do not raise the rents every 12 months, as we're allowed to under rent control. We occupy the other 2 units as our home.

At the same time, other multi-units in the area, including at least one of the aforementioned exempt buildings on Pacific, are running illegal Air BnB-type short-term rentals (this is another issue in itself, as many of their guests often party loudly late into the night, vomiting and urinating off the balconies). At least two of the originators of the BID proposal are being sued by the city for running illegal hotels. Their properties are not exempt, but if they were converted back to apartment buildings they would face larger tax bills, making it harder to offer affordable units. In any event, they are large beachside properties that I'm sure would command top rents. If you are interested in maintaining any semblance of affordable rental housing in Venice, you may wish to consider the impact of the BID on the small mom & pop residential operations such as ours that are included in the BID. Our current and future tenants will most likely have to share some or all of the brunt of the BID in terms of their monthly rent.

Our real dilemma is that there is apparently no redress under current state and city law to address our particular situation. I quote Ms. Devine:

"Here's what I do know:

- Regardless of whose decision it is, the City does not allow LA BIDs to include R-zoned properties within BID boundaries unless they are R4 or R5. (NOTE: There is currently no R4 or R5 within the area of the Venice BID; Venice may not even have any R4 or R5.)
 - I have been told that R4 and R5 are eligible to be included and assessed because those zones allow mixed-use in LA (most commonly, this = residential over commercial.)
 - Other cities in California interpret the state law differently.
 - California BIDs are governed by the Property and Business Improvement District Act of 1994 (California Streets and Highways Code Section 36000 et seq.) (sic). The residential issue is (sic) in Section 36632(c), which states:
'Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.'
 - No further reasoning or guidance is given in the statute (so as with many laws, we are left open to interpretations.)
- P.S. Note that ZONING is the determinant and not use. This is per state law, and no city in CA can abridge this without being in violation of state law. I suspect that your issue will circle back to this point."

We could stomach the assessment much easier if all properties in the proposed BID, meaning ALL multi-unit residential-zoned parcels, were included, but as such, we feel singled-out to have to, in effect, subsidize all these other exempt residential properties with the substantially higher property taxes we will face.

We would greatly appreciate any suggestions on options we may have, including seeking a zoning-change, if necessary. Other than the fact that our parcel is relatively close to the center of Venice near Windward Circle, where "downtown" Venice is or used to be, we don't know why our residential property was zoned C4 to begin with.

Thank you for your time and consideration.

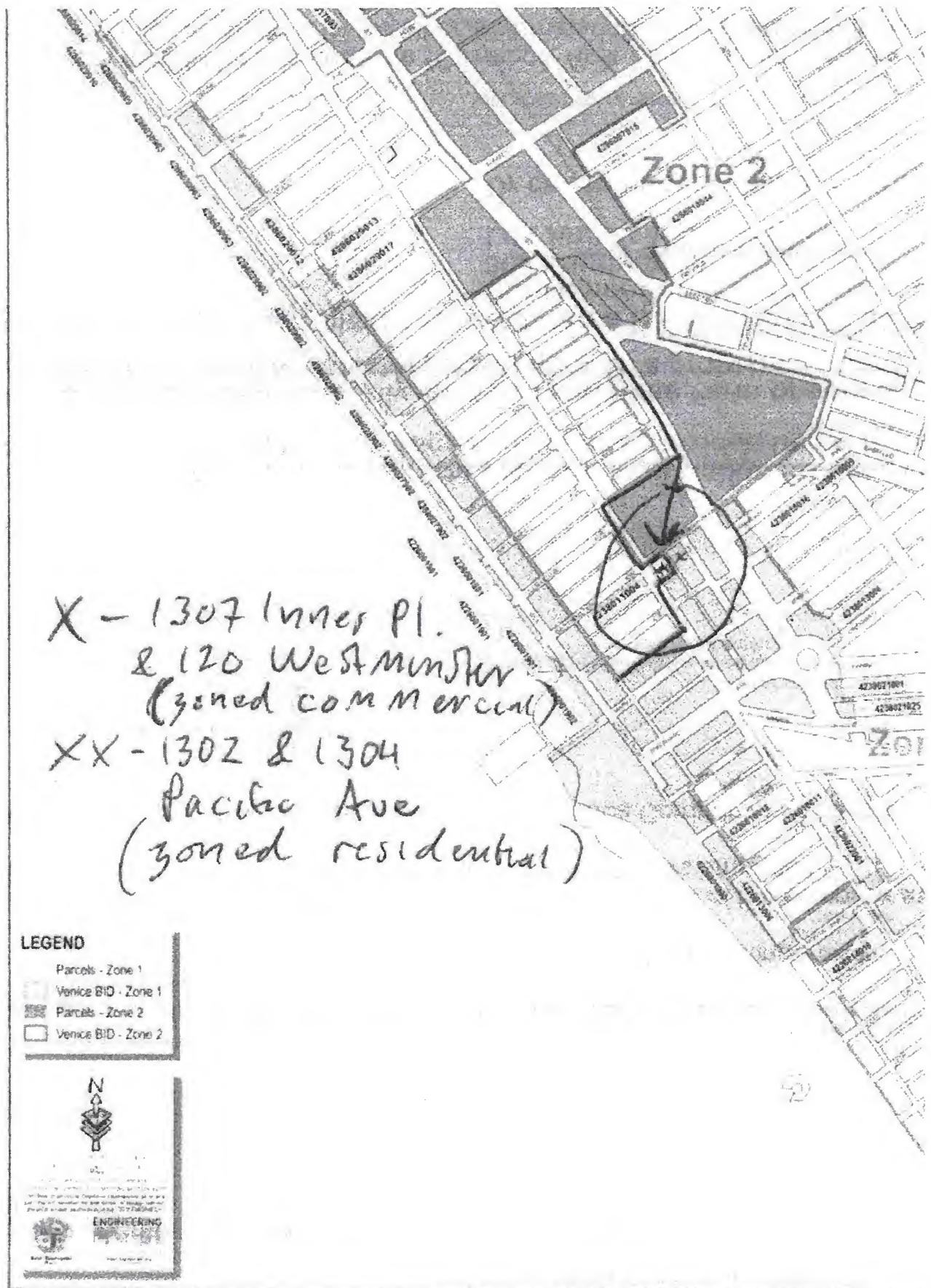
Sincerely,

William & Laura Kuel

cc: The Honorable Mike Bonin; Debbie Dyner-Harris; Miranda Paster; Andrew Sanesi; Tara Devine

Proposed Venice BID


City of Los Angeles



2 attachments



venice bid proposal map.jpg
1262K

 venice bid letter to city officials.doc
28K

Rita Moreno <rita.moreno@lacity.org>

Wed, Jul 27, 2016 at 2:23 PM

To:
Cc: Shannon Hoppes <shannon.hoppes@lacity.org>, Debbie DynerHarris <debbie.dynerharris@lacity.org>, Miranda Paster <miranda.paster@lacity.org>, Tara Devine <tara.devine@lacity.org>, Holly Wolcott <holly.wolcott@lacity.org>

Dear Mr. Kuel,

We received the letter and will send you a written response today via email and USPS. Please excuse the delay.

Thank you.

Rita

----- Forwarded message -----
From: **Holly Wolcott** <holly.wolcott@lacity.org>
[Quoted text hidden]

—
Rita Moreno
City of Los Angeles
Office of the City Clerk
Neighborhood and Business Improvement District Division
200 N. Spring Street, 2nd Floor #237
Los Angeles, CA 90012
Office (213) 978-1122
Fax (213) 978-1130

Debbie DynerHarris <debbie.dynerharris@lacity.org>

Wed, Jul 27, 2016 at 3:12 PM

To: Rita Moreno <rita.moreno@lacity.org>
Cc: Shannon Hoppes <shannon.hoppes@lacity.org>, Miranda Paster <miranda.paster@lacity.org>, Tara Devine <tara.devine@lacity.org>, Holly Wolcott <holly.wolcott@lacity.org>

Hello Mr. Kuel. Yes, I did receive the letter a few days ago. We very much appreciate the letter and the information you point out. The Councilmember is still reviewing the issue, and we look forward to the information to be provided by the City Clerk's office to further assist his review.

Thank you, and please let me know if you have further questions.
Debbie

[Quoted text hidden]



Debbie Dyner Harris
District Director
Councilmember Mike Bonin
City of Los Angeles
310-575-8461 | www.11thdistrict.com



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Rita Moreno <rita.moreno@lacity.org>

Wed, Jul 27, 2016 at 6:13 PM

To:

Cc: Shannon Hoppes <shannon.hoppes@lacity.org>, Debbie DynerHarris <debbie.dynerharris@lacity.org>, Miranda Paster <miranda.paster@lacity.org>, Tara Devine
Holly Wolcott <holly.wolcott@lacity.org>

Dear Mr. Kuel,

Please find attached the response letter from the Office of the City Clerk. The original will be sent via USPS.

Thank you.

Rita

On Wed, Jul 27, 2016 at 2:23 PM, Rita Moreno <rita.moreno@lacity.org> wrote:

[Quoted text hidden]

[Quoted text hidden]



Letter to William & Laura Kuel.pdf

726K

HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPE
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

NEIGHBORHOOD AND BUSINESS
IMPROVEMENT DISTRICT DIVISION
200 N. SPRING STREET, ROOM 224
LOS ANGELES, CA 90012
(213) 978-1099
FAX: (213) 978-1130

MIRANDA PASTER
DIVISION MANAGER

clerk.lacity.org

July 27, 2016

William and Laura Kuel
P.O. Box 347
Venice, CA 90294

RE: Proposed Venice Beach Business Improvement District (BID) and 1307 Innes Place

Dear Mr. and Mrs. Kuel,

The Office of the City Clerk is in receipt of your letter, dated July 14, 2016, regarding property located at 1307 Innes Place, Venice, CA 90291 and the petition to establish the Venice Beach Business Improvement District. We have noted your concerns relative to the inclusion of the rent controlled property (Assessor's ID No. 4238 011 022) in the proposed Venice Beach Business Improvement District. The Office of the City Clerk, Neighborhood and Business Improvement District Division has confirmed that 1307 Innes Place, Venice, CA 90291 is a four-unit residential property built in 1910 and, therefore, subject to the Rent Stabilization Ordinance. It is zoned C4 for commercial use (LAMC Chapter 1 Article 2 § 12.16), and can be assessed if an Engineer determines it will receive a special benefit.

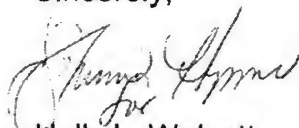
In regards to the assessing of all multi-unit residential-zoned parcels, unless said parcels are zoned for commercial or industrial use, Proposition 218 prohibits the levy of an assessment in the establishment of a Business Improvement District on parcels zoned solely residential. Further, the City Clerk does not have the authority to remove or add any properties in a Business Improvement District. We will forward your letter and this information to the Engineer who determined that the property will receive special benefit from the Venice Beach Business Improvement District.

You also requested suggestions or options you may have such as applying for a zone change. Information on the process can be obtained from the Department of Building and Safety, Case Management Section at (213) 482-6864. You can also find information and the application to determine if any costs associated with a higher property tax bill can be passed on to the tenants, on the Housing and Community Impact Department's website, under the Just and Reasonable Rent Adjustment Program (<http://hcidla.lacity.org/Just-and-Reasonable-Rent-Adjustment-Program>). In addition, the property is currently a non-contributing structure

adjacent to the Lost Venice Canals Historic District ([http://preservation.lacity.org/sites/default/files/Venice Districts 1 175 0.pdf](http://preservation.lacity.org/sites/default/files/Venice%20Districts%201%20175%200.pdf)). You may wish to consider restoring the property to qualify for historic designation (<http://preservation.lacity.org/commission>) through the City's Office of Historic Resources (<http://preservation.lacity.org/>), which can qualify you for a reduction in property taxes through the Mills Act or other preservation incentives (<http://preservation.lacity.org/incentives>), in order to maintain the historic character of the property.

If you have questions related to this letter, please contact Rita Moreno at (213) 978-1122 or via email: rita.moreno@lacity.org. Any questions about the proposed Venice Beach Business Improvement District should be directed to Tara Devine at tara@devine-strategies.com.

Sincerely,



Holly L. Wolcott
City Clerk

cc: Ed Henning, Certified Engineer
Hon. Councilmember Mike Bonin

HLW:MP:rm